IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2552 OF 2005

Soyeb @ Bhayjan Unus Khan ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.A.M. Pathan, for the Applicants.

Mr.A.S. Gadkari, A.P.P.,for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

3rd May 2005

P.C.:

. Heard Counsel for the parties. Perused the record. Indeed, the offence in question is a serious offence punishable under sections 395 and 451 of the Indian Penal Code. However, insofar as the Applicant is concerned, it is fairly accepted by the learned A.P.P. that he has not been identified during the test identification parade. No recovery has been made from the

present Applicant. If it is so, the Applicant deserves to be enlarged on bail. The learned A.P.P., however, invited my attention to the fact that there is alredy one case registered against the Applicant for similar offence with the same police station. The Applicant is, therefore, granted bail but on strict conditions as follows.

(A) The Applicant is directed to be released on bail in connection with CR.No.303/2004 registered with Nerul Police Station on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty five thousand only) with two local sureties in the like amount.

(B) The Applicant shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(C) The Applicant shall not reside within the within the jurisdiction of Mumbai District and Thane District, including New Bombay, during the pendency of the

trial, except for attending the Court cases on the specified dates.

(D) The Applicant shall inform about his place of residence to the investigating officer within 10 days from the date of release. Besides, the Applicant shall report to the nearest Police Station once in a month on first Saturday of every English calendar month between 10 a.m. to 1 p.m.

(D) The Applicant shall co-operate for the early disposal of the trial. If the trial Court is of the opinion that the Applicant is in any manner responsible for the delay in disposal of the trial, that fact be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)